

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1762B

1 WHEREAS, Pine Lake Development, L.L.C. has submitted an application
2 designated as Special Permit No. 1762B for authority to expand the boundary of Vintage
3 Heights Community Unit Plan and increase the overall density by three units with
4 requested waivers to waive the preliminary plat process, and to allow a wastewater
5 collection system not meeting City design standards, sanitary sewer running opposite
6 street grades, transfer of sanitary sewer from one basin to another, dead-end street to
7 have 60' minimum radius turnaround, lots exceeding a maximum depth to width ratio, and
8 minimum lot depth of less than 120' for lots abutting a major street, on property located
9 at South 98th Street and Old Cheney Road, and legally described to wit:

10 A tract of land composed of Allegrini Terrace Addition, Allegrini
11 Terrace 1st Addition, Vintage Heights 6th Addition, Vintage
12 Heights 7th Addition, Vintage Heights 8th Addition, Vintage
13 Heights 9th Addition, Vintage Heights 10th Addition, Vintage
14 Heights 11th Addition, Vintage Heights 12th Addition, Vintage
15 Heights 14th Addition, Vintage Heights 15th Addition, Vintage
16 Heights 16th Addition, Vintage Heights 17th Addition, Lots 56
17 and 67 and a portion of Lot 17 and Vintage Heights 18th
18 Addition, all located in Section 14, Township 9 North, Range
19 7 East of the 6th P.M., City of Lincoln, Lancaster County,
20 Nebraska, and being more particularly described as follows:

21 Referring to the northeast corner of said Section 14; thence on
22 the east line of said Section 14, south 00 degrees 11 minutes
23 08 seconds west (assumed bearing), 49.92 feet; thence north
24 89 degrees 48 minutes 52 seconds west, 50.00 feet to the
25 point of beginning; thence south 00 degrees 11 minutes 08
26 seconds west, 100.00 feet; thence south 89 degrees 48
27 minutes 52 seconds east, 16.50 feet; thence south 00 degrees
28 11 minutes 08 seconds west, 300.60 feet; thence north 89

1 degrees 48 minutes 52 seconds west, 16.50 feet; thence south
2 00 degrees 11 minutes 09 seconds west, 1,250.91 feet; thence
3 south 00 degrees 11 minutes 08 seconds west, 809.09 feet;
4 thence south 00 degrees 11 minutes 29 seconds west, 126.58
5 feet; thence south 00 degrees 11 minutes 14 seconds west,
6 1,774.38 feet; thence north 89 degrees 55 minutes 58 seconds
7 east, 17.00 feet; thence south 00 degrees 11 minutes 16
8 seconds west, 463.18 feet; thence north 89 degrees 48
9 minutes 49 seconds west, 17.00 feet; thence south 00 degrees
10 11 minutes 16 seconds west, 350.00 feet; thence south 89
11 degrees 52 minutes 59 seconds west, 1,458.33 feet; thence
12 north 82 degrees 21 minutes 07 seconds west, 222.04 feet;
13 thence south 83 degrees 46 minutes 02 seconds west, 281.60
14 feet; thence south 89 degrees 54 minutes 04 seconds west,
15 579.30 feet; thence north 89 degrees 30 minutes 37 seconds
16 west, 69.59 feet; thence north 85 degrees 13 minutes 16
17 seconds west, 200.56 feet; thence south 86 degrees 12
18 minutes 02 seconds west, 200.56 feet; thence north 89
19 degrees 30 minutes 37 seconds west, 707.15 feet; thence
20 south 00 degrees 14 minutes 46 seconds east, 17.00 feet;
21 thence north 89 degrees 30 minutes 37 seconds west, 150.01
22 feet; thence north 00 degrees 14 minutes 46 seconds west,
23 1,288.98 feet; thence south 89 degrees 39 minutes 11
24 seconds east, 1,333.64 feet; thence north 00 degrees 40
25 minutes 35 seconds west, 1,325.56 feet; thence north 89
26 degrees 47 minutes 21 seconds west, 1,323.87 feet; thence
27 north 00 degrees 27 minutes 10 seconds west, 440.17 feet;
28 thence north 00 degrees 24 minutes 48 seconds west, 34.56
29 feet; thence south 86 degrees 32 minutes 50 seconds west,
30 93.42 feet; thence north 03 degrees 27 minutes 10 seconds
31 west, 597.65 feet; thence north 19 degrees 44 minutes 29
32 seconds west, 153.65 feet; thence north 00 degrees 07
33 minutes 46 seconds east, 109.00 feet; thence south 89
34 degrees 52 minutes 26 seconds east, 174.81 feet; thence
35 south 89 degrees 50 minutes 59 seconds east, 343.46 feet;
36 thence south 08 degrees 18 minutes 44 seconds east, 119.18
37 feet; thence south 07 degrees 33 minutes 50 seconds east,
38 46.18 feet; thence south 16 degrees 01 minutes 11 seconds
39 east, 44.97 feet; thence south 39 degrees 24 minutes 08
40 seconds west, 29.90 feet; thence south 49 degrees 54 minutes
41 57 seconds east, 99.67 feet; thence north 40 degrees 01
42 minutes 36 seconds east, 28.97 feet; thence south 48 degrees
43 03 minutes 17 seconds east, 215.97 feet; thence south 43
44 degrees 08 minutes 21 seconds east, 16.21 feet; thence south
45 42 degrees 57 minutes 07 seconds east, 40.63 feet; thence

1 south 43 degrees 00 minutes 17 seconds east, 446.32 feet;
2 thence south 42 degrees 59 minutes 45 seconds east, 339.78
3 feet; thence south 42 degrees 57 minutes 51 seconds east,
4 80.23 feet; thence south 42 degrees 59 minutes 31 seconds
5 east, 118.30 feet; thence south 39 degrees 49 minutes 09
6 seconds east, 79.77 feet; thence south 28 degrees 52 minutes
7 11 seconds east, 33.72 feet; thence south 16 degrees 34
8 minutes 36 seconds east, 31.95 feet; thence south 03 degrees
9 30 minutes 22 seconds east, 23.76 feet; thence south 89
10 degrees 48 minutes 50 seconds east, 696.95 feet; thence
11 north 00 degrees 10 minutes 56 seconds east, 130.00 feet;
12 thence south 89 degrees 49 minutes 04 seconds east, 31.33
13 feet; thence north 00 degrees 10 minutes 56 seconds east,
14 379.00 feet; thence north 14 degrees 26 minutes 30 seconds
15 west, 104.95 feet; thence north 16 degrees 17 minutes 11
16 seconds west, 88.48 feet; thence north 01 degrees 39 minutes
17 50 seconds west, 102.28 feet; thence south 65 degrees 34
18 minutes 11 seconds west, 76.00 feet; thence north 24 degrees
19 25 minutes 49 seconds west, 120.00 feet; thence north 65
20 degrees 34 minutes 11 seconds east, 29.00 feet; thence north
21 24 degrees 25 minutes 49 seconds west, 158.71 feet; thence
22 north 29 degrees 33 minutes 43 seconds east, 36.21 feet;
23 thence north 65 degrees 34 minutes 11 seconds east, 122.71
24 feet; thence north 24 degrees 25 minutes 49 seconds west,
25 73.45 feet; thence south 78 degrees 29 minutes 26 seconds
26 east, 621.26 feet; thence south 89 degrees 48 minutes 52
27 seconds east, 195.52 feet; thence north 00 degrees 11
28 minutes 08 seconds east, 997.22 feet; thence north 89
29 degrees 43 minutes 02 seconds west, 200.00 feet; thence
30 north 00 degrees 11 minutes 08 seconds east, 533.00 feet;
31 thence south 89 degrees 43 minutes 02 seconds east,
32 1,272.17 feet to the point of beginning containing
33 13,222,115.25 square feet (303.54 acres) more or less;

34 WHEREAS, the real property adjacent to the area included within the site
35 plan for this expanded community unit plan will not be adversely affected; and

36 WHEREAS, said site plan together with the terms and conditions hereinafter
37 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal
38 Code to promote the public health, safety, and general welfare.

39 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
40 Lincoln, Nebraska:

1 That the application of Pine Lake Development L.L.C., hereinafter referred
2 to as "Permittee", to expand the boundary of Vintage Heights Community Unit Plan and
3 increase the overall density by three units, on the property legally described above, be and
4 the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65
5 of the Lincoln Municipal Code upon condition that construction and operation of said
6 community unit plan be in strict compliance with said application, the site plan, and the
7 following additional express terms, conditions, and requirements:

8 1. This permit approves 964 dwelling units on 303.5 acres and the following
9 waivers to the Land Subdivision Ordinance, Zoning Code and Design Standards:

- 10 a. The requirement of Lincoln Municipal Code § 26.11.020 that a
11 preliminary plat is required for all subdivisions is waived, except that
12 this waiver of the preliminary plat shall only be effective for a period
13 of ten years from the date of the this approval, and shall be of no
14 force or effect thereafter. This waiver is further subject to the
15 requirement that if any final plat on all or a portion of the approved
16 community unit plan is submitted five years or more after the
17 effective date of the community unit plan, the City may require that
18 a new community unit plan be submitted, pursuant to all the
19 provisions of Section 26.31.015. A new community unit plan may be
20 required if the subdivision ordinance, the design standards, or the
21 required improvements have been amended by the city; and as a
22 result, the community unit plan as originally approved does not
23 comply with the amended rules and regulations.
- 24 b. The requirement of § 3.6 of the Sanitary Sewer Design Standards
25 that the slope of the sanitary sewer should parallel the slope of the
26 street is waived to allow sewer to flow opposite street grades in Vine
27 Cliff Drive provided the maximum and minimum allowable sewer
28 depths are not exceeded.
- 29 c. The requirement of Section 2.1 of the Sanitary Sewer Design
30 Standards prohibiting the transfer of wastewater from one watershed
31 to another is waived to allow the transfer of sanitary sewer from one
32 basin to another provided that the Antelope Creek sewer has
33 sufficient capacity for the added drainage area.
- 34 d. The requirement of Lincoln Municipal Code § 26.23.140(e) that a lot
35 shall have a maximum 3 to 1 lot depth to width ratio is waived for
36 Lots 11 and 12, Block 33.

- 1 e. The requirement of Lincoln Municipal Code § 26.23.140 that
2 residential lots abutting a major street shall have a minimum depth
3 of 120' is waived for Lots 8 and 9, Block 33.
- 4 2. Before receiving building permits:
- 5 a The Permittee must submit a revised and reproducible final
6 plan including 5 copies and the plans are acceptable.
- 7 b. The construction plans shall conform to the approved plans.
- 8 c. Final Plats within the area of this community unit plan must be
9 approved by the City.
- 10 3. Before occupying the dwelling units all development and construction
11 shall have been completed in compliance with the approved plans.
- 12 4. All privately-owned improvements shall be permanently maintained by
13 the Permittee or an appropriately established homeowners association approved by the
14 City Attorney.
- 15 5. The site plan approved by this permit shall be the basis for all
16 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
17 elements, and similar matters.
- 18 6. The terms, conditions, and requirements of this resolution shall be
19 binding and obligatory upon the Permittee, and its successors, and assigns. The building
20 official shall report violations to the City Council which may revoke the special permit or
21 take such other action as may be necessary to gain compliance.
- 22 7. The Permittee shall sign and return the City's letter of acceptance to
23 the City Clerk within 30 days following approval of the special permit, provided, however,
24 said 30-day period may be extended up to six months by administrative amendment. The
25 City Clerk shall file a copy of the resolution approving the special permit and the letter of

1 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
2 Permittee.

3 8. The site plan as approved with this resolution voids and supersedes
4 all previously approved site plans, however all resolutions approving previous permits
5 remain in force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor